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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,034	12/04/2000	Alex D. Poon	3801.P011	6836
49845 7590 12/22/2006 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER AIRAPETIAN, MILA	
			ART UNIT	PAPER NUMBER
			3625	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/22/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/730,034	Applicant(s) POON, ALEX D.	
	Examiner Mila Airapetian	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (US 6,263,447) in view of Woolston (US 2005/0033655).

Claim 1. French et al. (French) teaches a method for authentication of network users, comprising:

identifying, in the network-based auction facility, a user associated with a registration process within the network-based auction facility (abstract and col. 6, lines 14-24);

assigning, in the network-based auction facility, a verification rating to the user based on accuracy of registration information submitted by the user during the registration process (col. 7, lines 4-12, col. 11, line 28 through col. 12, line 29; the Examiner interprets the "authenticity certainty score" as the "verification rating".

registering the user with the network-based auction facility if the verification rating exceeds a predetermined threshold, to allow the user to conduct sale and purchase transactions with other users in the network-based auction facility (submitting personal

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information by the user including name, address, SS#, telephone number, etc, indicates registering step , col. 6, lines 19-24, wherein information provided by the user is accepted if the value of the "authenticity certainty score" (verification rating) of said information is at the increased level of certainty (exceeds a predetermined threshold; col. 12, lines 15-18).

However, French et al. does not specifically teach that said registering step is conducted in an auction environment.

Woolston teaches consignment nodes wherein a consignment node may have four modes of operation: a software download mode, an auction mode, a market mode, and an agent mode [0013].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify French to include that said registering step is conducted in an auction environment, as disclosed in Woolston, because it would advantageously provide the excitement of a "live" auction house type atmosphere to remote participants in an electronic auction, as specifically taught by Woolston [0006].

Claim 2. French further teaches:

performing a set of validity checks on the registration information of the user (col. 7, line 46 through col. 11, line 27);

determining a result of each validity check within the set of validity checks (col. 7, line 46, through col. 11, line 27 and col. 12, lines 30-37) ; and

calculating the verification rating based on the result of each validity check (col. 11, line 28 through col. 12, line 29).

Claim 3. French teaches said method wherein each validity check verifies validity of a corresponding piece of the registration information of the user (col.7, line 46 through col.11, line 37).

Claim 4. French teaches utilizing a set of verification rules to define the set of validity checks, and translating the result of each validity check into a numerical value (col.2, lines 48-56, col.12, lines 14-29).

Claim 5. French teaches creating a verification detail record using the result of each validity check; and storing the verification detail record in a database (Fig. 13-16, col.5, line 66 through col.6, line 9).

Claim 6. French teaches storing the verification rating of the user in a database (Fig.13-16, col.5, line 66 through col.6, line 9).

Claim 7. French teaches said method wherein the registration information comprises demographic information of the user (Table 1, col.11, lines 38-51).

Claim 8. French teaches maintaining a database of valid demographic information (Table 1, col.11, lines 38-51); and

determining whether demographic information entered by the user matches any of the valid demographic information from the database (Table 1, col.11, lines 38-51).

Claim 9. French teaches said method wherein the valid demographic information defines correlation between a plurality of area codes and a plurality of location information (col.7, lines 58-64, col.11, lines 38-51).

Claim 10. French teaches said method wherein each of the plurality of location information includes any one of the group comprising country information, zip code

information, state information, city information, time zone information, latitude information, and longitude information (col.7, lines 58-64, col.11, lines 38-51).

Claim 11. French teaches said method wherein the valid demographic information defines correlation between a plurality of area codes and a plurality of location information (col.11, lines 38-51).

Claim 12. French teaches providing user interface information to the user via a communications network, the user interface information specifying a registration interface for obtaining registration information of the user (col.5, lines 33-43, col.6, lines 13-34).

System claim 13 repeats the subject matter of method claim 1, as a set of apparatus elements rather than a series of steps. As the underlying processes of claim 1 has been shown to be fully disclosed by the teachings of French in the above rejections of claim 1, it is readily apparent that the system disclosed by French includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 1, and incorporated herein.

System claims 14-25 repeat the subject matter of method claims 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1-12 have been shown to be fully disclosed by the teachings of French in the above rejections of claims 1-12, it is readily apparent that the system disclosed by French includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1-12, and incorporated herein.

Claim 26 differs from apparatus claim 13 by reciting “a computer readable medium that provides instruction, which when executed on a processor...” in the preamble. As per this limitation, French's system is implemented on a computer, as it is directed to synthesizing speech automatically (col.5, lines 43-49). As such, French implicitly includes computer elements such as a programmed computer readable medium. The remainder of claim 26 repeats the limitations of claim 13, and are therefore rejected for the same reasons given above for claim 13.

Claim 28. French teaches said method wherein the predetermined threshold is proportionate to the type of operation of the network-based transaction facility (col. 2, lines 60-61; col. 3, lines 1-7).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of French and Woolston, as applied to claim 1, in view of Ng (US 6,405,174).

Claim 27. French and Woolston teaches all the limitations of claim 27, except that said method comprises allowing a second user of the network-based auction facility to access an indicator of verification of the user.

Ng teaches web a method for shopping over the Internet comprising allowing a second user of the network-based auction facility to access an indicator of verification of the user (col.14, lines 12-15).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify French and Woolston to include that said method

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comprises allowing a second user of the network-based auction facility to access an indicator of verification of the user, as disclosed in Ng, because it would allow registered users of the auction facility to rate other users, as well as view other users' ratings to obtain a better understanding of particular user's transaction behavior.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of French and Woolston, as applied to claim 1, in view of Official Notice.

Claim 29. The combination of French and Woolston teaches all the limitations of claim 29 except that the predetermined threshold is varied based on whether the user is a corporation or an individual. Official Notice is taken that an individual is being known as the alter ego of a corporation, e.g. Subchapter "S" filing. The motivation to modify French and Woolston to include that the individual is a corporation would be simplification/reduction of tax liability.

Response to Arguments

Applicant's arguments filed 11/22/2006, with respect to claims 1-29 have been fully considered and are persuasive. The rejection of claims 1-29 has been withdrawn.

Conclusion

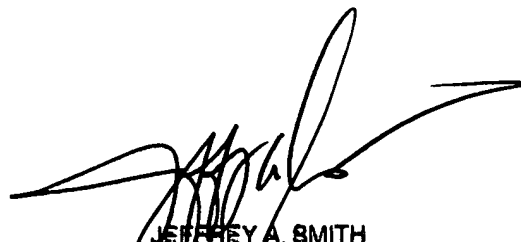
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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